

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.5040 of 2016

- Raju Singh Porte S/o Late Ramdayal Porte, Aged About 46 Years Working As Helper At P H E Takhatpur, Distt.- Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, State Of Chhattisgarh, Through Its Secretary Public Health Engineering Department, Mantralaya, New Raipur, (Chhattisgarh)
2. Chief Engineer, Public Health Engineering Department Indrawati Bhawan, Raipur, (Chhattisgarh)
3. Executive Engineer, Public Health Engineering Department, Takhatpur, Distt. Bilaspur, (Chhattisgarh)
4. Sub Divisional Officer, Public Health Engineering Department, Takhatpur, Distt. Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy.GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/10/2016

Heard.

2. By this petition, the petitioner has raised claim of regular pay scale on the contingency establishment at par with those, who have been appointed after the petitioner and some of the employees along with the petitioner.

3. Learned counsel for the petitioner submits that even though, order of termination has been set aside by the Labour Court and affirmed by the Appellate Court and this Court also, the respondents though reinstated the petitioner, but not making payment of regular pay scale available to other contingency employees. Learned counsel for petitioner submits that this petition may be disposed off with a direction to respondents to consider the case of the petitioner for grant of regular pay

scale .

4. Considering the submission made above, particularly taking into consideration that the petitioner has already been reinstated in service meaning thereby that his continuity in service is maintained, the petitioner's claim does not appear to be frivolous and requires consideration by the respondents.

5. Accordingly, this petition is finally disposed off with a direction to respondents to examine the case of the petitioner by treating him as an employee of contingency establishment from the initial date of appointment, if any employee junior to the petitioner or appointed along with the petitioner are getting regular pay scale, the petitioner's case should also be considered on the ground of parity. The matter should be considered and decided by the respondents within a period of three months. If for any reason, the petitioner is not held entitled, speaking order should be passed by the respondent No.3-Executive Engineer.

SD/-
(Manindra Mohan Shrivastava)
Judge